

(Del. Rev. 12/98)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

Everett L. Summers

(Name of Plaintiff or Plaintiffs)

v.

CIVIL ACTION NO. 06 - 119

State of Delaware Family Court Commissioner Patricia Stewart
DFS Shane O'Hare and Cathy Casey

(Name of Defendant or Defendants)

COMPLAINT

1. This action is brought pursuant to violation of civil rights
(Federal statute on which action is based)
for discrimination related to the 14th Amendment jurisdiction exists by virtue of
(In what area did discrimination occur? e.g. race, sex, religion)
US Constitution
(Federal statute on which jurisdiction is based)

2. Plaintiff resides at Kelly Trailer Ct. 1072
805 S DuPont Hwy
(Street Address)
New Castle DE 19720
(City) (County) (State) (Zip Code)
302 559 7706
(Area Code) (Phone Number)

3. Defendant resides at, or its business is located at 500 N. King Street
(Street Address)
Wilmington DE 19801
(City) (County) (State) (Zip Code)

- Substantiation Hearing Coordinator 1825 Faulkland Rd Wilm DE
4. The alleged discriminatory acts occurred on November, 4, 2005
(Day) (Month) (Year) 1981

5. The alleged discriminatory practice ☒ is ☐ is not continuing.

6. Plaintiff(s) filed charges with the Judicial Review Board
(Agency)
500 N. King St Wilmington DE 19801
(Street Address) (City) (County) (State) (Zip)

regarding defendant(s) alleged discriminatory conduct on: November 4, 2005
(Date)

7. Attach decision of the agency which investigated the charges referred in paragraph 6 above.

8. Was an appeal taken from the agency's decision? Agency never replied as of 2/23/2006
 Yes ☐ No ☐ N/A

If yes, to whom was the appeal taken? _____

9. The discriminatory acts alleged in this suit concern: (Describe facts on additional sheets if necessary)

See attached

10. Defendant's conduct is discriminatory with respect to the following:

A. ☐ Plaintiff's race

B. ☐ Plaintiff's color

C. ☒ Plaintiff's sex

D. ☐ Plaintiff's religion

E. ☒ Plaintiff's national origin

(working poor)

11. Plaintiff prays for the following relief: (Indicate the exact relief requested)

~~Loss~~ Removal of name from Child Protection Registry, Sealed Files of DFS and all courts' proceedings, Loss of wages for three years \$75,000; Punitive damages \$250,000, Public apology in newspaper and news station from all involved parties, Written documentation that my name has been cleared of all charges.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 2-24-06

Everett L. J. [Signature]
(Signature of Plaintiff)

STATE OF DELAWARE FAMILY COURT

and

Commissioner Patricia Stewart

On November 4, 2005 at 9:00 AM, I went into court to respond to a request for PFA that was filed against me by my ex April Walton on October 24, 2005. This PFA was filed because it was **alleged** that I struck my daughter, [REDACTED] age 13. After I attempted to resolve this matter with a mediator, I requested to appear before a judge and we appeared before Commissioner Patricia Stewart.

During the proceedings, Commissioner Stewart had allowed Ms. April Walton to perjure herself. April Walton gave a false name during these proceedings. She also left off vital residential information. Copies of the documentation she filed, as well as copies of documentation I filed will be provided to verify this. I have a copy of the transcript from the proceedings. Every time I caught Ms. April Walton in an inconsistency the judge cut me off. She would not let me respond.

My children, who are in the center of this PFA, were not brought to these court proceedings. [REDACTED] had accused me of striking her and I was denied my constitutional right to face my accuser in a court of law. I felt I deserved the right to face her in a court of law and the judge should have issued a continuance until the children appeared in court.

After these proceedings, I filed a request for a judicial review against Commissioner Patricia Stewart. I filed this request because I was denied my right to "due process" under the sixth amendment of the constitution. Also I felt that the judge was prejudiced against me because I was a lower income, working poor- male. [REDACTED]

This request for judicial review was mailed out at the end of November to :

Family Court
500 North King Street
Wilmington, DE 19801

This request was received by the court. I received the signed registration card which also will be provided. As of February 22, 2005, I have received no response to this request either way.

The State of Delaware Family Court has failed me. I don't understand why I have not heard anything concerning the requested judicial review. All I wants is some answers and no one will assist me through this process. I've also been turned away from the public defender's office because they stated a PFA is civil and I've talked to an attorney in passing that stated it was a criminal matter.

The Department of Services for Children, Youth and Families
Shane O'Hare
Cathy Casey

RE: FACTS Case Number 652017

DFS became involved in this matter when Ms. April Walton called concerning the allegation that I struck my daughter [REDACTED] age 13.

Before the PFA hearing, I met with Cathy Casey to answer her questions about what happened the evening of October 10, 2005, the date of the incident. I cooperated fully with Ms. Casey concerning this matter. After our conversation, I was advised that I was free to go and if there were any further questions, I would be contacted.

On November 16, 2005, I received my only communication from DFS. This letter was a determination of guilt that placed me on a "Child Protection Registry at Child Protection Level II." This letter was drawn up twelve days after the PFA was put into effect (November 4, 2005.)

DFS denied me my day in court to face my accusers [REDACTED] April Walton, and my other children. I was not provided with copies of the statements from my children regarding the alleged abuse. I also was not provided with any other documentation of evidence of this abuse from DFS such as pictures, a police report, and statements from the alleged "witness" to the abuse. This is a violation of my sixth amendment rights. The reason I have not received this information, is because there was no investigation that was done.

I was denied my right to go to trial concerning this matter. I am not sure of the name of the law or ordinance, but I do know that legally I am entitled to information so that I can prepare an adequate defense and face all of my accusers in a court of law.

The letter of guilt also came with a form to file an appeal to the decision that DFS made. This form was mailed via registered mail to the address listed on the letter that was:

Substantiation Hearing Coordinator
1825 Faulkland Road
Wilmington, DE 19805.

This letter was received and signed for. I have the registered card with signature as verification that this was received. To this date, February 22, 2006, I have heard no response to when my court date will be. This is another example of how my sixth amendment rights were violated. I was not given "due process".

I would like to know why I was denied my day in court. All I want is the right to face my accusers in a court of law. I also would like to have disclosed to me the evidence that DFS has against me. There also needs to be an appeal date set for the Child Protection Registry at Child Protection Level II.

Conclusion

The State Of Delaware Family Court (Commissioner Patricia Stewart) and DFS (Shane O'Hare and Cathy Casey) were in violation of my sixth amendment rights. Both have denied me the right to due process and have not allowed me to adequately defend myself in court.

Someone from one of these departments had sent PFA paperwork to my former employer while the PFA was under appeal. My former employer was Advanti Motorcycles in New Castle. Overall, I got along with my boss and had no problems with my job. On December 15, 2005, my boss' attitude changed for the worse towards me. Twelve days later, I was terminated from my job. My former boss refuses to deal with me at all. I have tried to contact them for assistance.

Since my job loss, I have put over fifty applications out for jobs through the News Journal and Careerbuilder.com. I have not received a solitary phone call for an interview due to the PFA and Child Protection Registry Level II. Therefore, the state or DFS is preventing me from finding employment to fulfill my obligations.

This would show prejudice because I am a lower income poor male with not as much know how concerning the court processes.